



Expiration Date: Until Withdrawn

DEPARTMENT OF MANAGED HEALTH CARE

980 Ninth Street, Suite 500
Sacramento, CA 95814

June 9, 2003

DEPARTMENT ADVICE NO. 03-04

TOPIC: Signature Requirements for Reports

Subject Matter:

Title 28 of the California Code of Regulations section 1300.41.8(b) provides, in part, that plans "shall file electronically any document required or permitted by law to be filed with the Department . . . " Recently the Department received an inquiry from a health plan regarding the signature requirement for a quarterly report required of the plan by the Department.

The requirements of section §1300.41.8(b), i.e. that plans "file electronically any document required or permitted by law to be filed with the Department" would by definition include quarterly reports or any other reports either required or permitted to be filed with the Department. The provisions of the regulation also would apply to any signature or verification requirement pertaining to any document that is required to be filed with this Department.

Under §1300.41.8(c)(2), for all documents submitted electronically, plans "shall certify, under penalty of perjury, that all statements within all documents filed electronically with the Department are true and correct." Under §1300.41.8(c)(3), "electronic signatures may be used to sign a legally effective declaration under penalty of perjury." Thus, under this regulation, all documents filed electronically must include an electronic execution page, which includes the electronic signature and verification. Such documents would not require a written signature.

Action:

The Department advises health plans, for all documents filed with this Department, including quarterly reports as well as other types of reports, the documents must be filed electronically and must include an electronic execution page, but do not require a handwritten signature.

Further information:

California Code of Regulations, Title 28, section 1300.48.1.

If you have further questions, please contact William J. Barcellona, Staff Counsel, Office of Health Plan Oversight, at (916) 324-9046